

III. REMARKS

1. Claims 1-34 are pending in this application.

2. In response to the provisional rejection of claims 1-34 under the non-statutory doctrine of obviousness-type double patenting, a terminal disclaimer is being filed concurrently with this response.

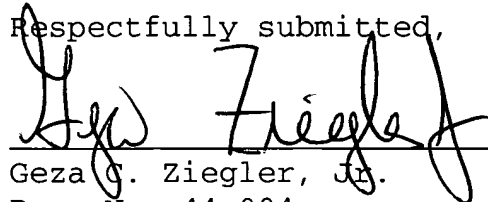
3. It is respectfully submitted that Naghian et al., U.S. Pub. No. 2003/0148774 ("Naghian"), is not a proper reference for purposes of 35 U.S.C. 103(a). Both Naghian and Applicant's invention are commonly owned by Nokia. Thus, at the time of Applicant's invention, both Applicant's invention and Naghian were owned by the same person or subject to an obligation of assignment to the same person. Accordingly, Pursuant to 35 U.S.C. 103(c), Naghian is not a proper reference for purposes of 35 U.S.C. 103(a).

Therefore, the rejections of claims 1-34 over Naghian in view of Boltz under 35 U.S.C. §103(a) is not proper.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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27 September 2005
Date

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to the Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: Sept. 27, 2005

Signature: Meaghan Baye
Person Making Deposit